



# PLANNING BOARD TOWN OF PORTER

3265 Creek Road • Youngstown, New York 14174 • (716) 745-3730 • Fax (716) 745-9022

**Thursday, June 2, 2022**

The regular meeting of the Town of Porter Planning Board was called to order at 7:00 p.m. with the Pledge to the Flag.

Present: Chairperson Jeffrey Schulze, Vice Chairperson Mark Fox, Member J. Anthony Collard, Member Robert Tower, Member Ryan Ross, Code Enforcer Peter Jeffery, Attorney Michael Dowd, Planning Board Secretary Amy Freiermuth

**Recommendation to the Zoning Board of Appeals for Keith Udut, 839 Lockport Road, Youngstown for an Area Variance for a 4ft fence in the front yard.**

Keith Udut was present. Code Enforcer Jeffery explained that Mr. Udut was requesting an Area Variance for a 4 ft fence in the front yard. Mr. Udut stated that he has 4 trees that he planted on the property line, but the trees are slow growing, and he would like to have more privacy from his neighbor's property out his sliding glass door. The request is for 4-foot-high fencing from 16 feet in front of his house which still allows about 40 feet from the edge of the right of way (at the street) to the fence. The fence will be setback a few feet from the property line and he would like to have a blended transition from 6 feet to 4 feet within the first fence panel. Mr. Udut has already been approved for a 100-foot, 6-foot fence in the backyard.

Member Tower asked where the trees were located and Mr. Udut stated they were on the property line. Member Collard, who lives nearby, stated he hears the roosters from the neighbor's house, but they do not bother him. He sees no concerns with Mr. Udut's request for the Variance. Mr. Udut stated there are at least 4 different "tones" from multiple roosters and he hopes that the fence will also help to decrease the noise.

With no further questions or discussion, a motion was made to recommend that the Zoning Board of Appeals approve the Area Variance for a 4-foot front yard fence as presented. The motion was made by Vice Chairperson Fox and seconded by Member Collard.

With no further discussion, roll was called.

Chairperson Schulze: Yes

Vice Chairperson Fox: Yes

Member Collard: Yes

Member Tower: Yes

Member Ross: Yes

Motion carried.

**Sketch Plan review for Jon and Alex Paul Brown, 3424 Ransomville Road, Ransomville for a Farm Market.**

Jon and Alex Brown were present. Code Enforcer Jeffery stated that the Brown's now own the farm market that previously belonged to Mr. Zahno. They qualify as a start-up farm and would like to open a farm market under the current definition (the code recently changed) whereas 50% of the items for sale would be grown on their farm.

Ms. Brown stated that they own 35 acres of land and that the greenhouse is currently full. They anticipate that 85-90% of what is sold will be their harvest. Initially they will have set hours but will use a cash box rather than having staff on-site when open.

Code Enforcer Jeffery stated that on-site parking will allow for a required handicapped spot with room to side unload.

A motion was made to approve the Sketch Plan as presented was made by Member Tower and seconded by Vice Chairperson Fox.

Attorney Dowd asked what the timeframe is for a startup farm and suggested that the Planning Board provide a term to verify that the applicants have satisfied their requirements as farmers. Member Tower stated that the farm terms depend on the crops being grown and it could be 2 or 3 years.

The Members agreed to modify the motion to include a 3-year conditional approval with the expectation that the applicants return to the Planning Board in that timeframe to prove the requirements of Ag and Markets has been met.

With no further discussion, roll was called.

Chairperson Schulze: Yes

Vice Chairperson Fox: Yes

Member Collard: Yes

Member Tower: Yes

Member Ross: Yes

Motion carried.

**Recommendation to the Zoning Board of Appeals for Andrew Romanowski, vacant land on River Road, Tax Map 73.10-1-8 for a Variance to construct a single-family dwelling on the west side of River Road in the Niagara River environmental overlay district.**

Andrew Romanoski and Attorney Sean Hopkins were present. Attorney Hopkins stated that Mr. Romanowski is a home builder with over 30 years of experience and has owned this parcel for over a dozen years and would now like to build a summer home on the property. The proposed home was displayed as illustrated from 3957 River Road (across the street). Attorney Hopkins stated that there would be little impact on the view with one story on street level and two stories on the "bench". A dock and boat house are

already established on the property. Mr. Romanoski stated he has spoken to and shown his neighbors his plans and they did not object.

Attorney Dowd has questions about the bank and permitted uses on the Niagara River Environmental Overlay District which involved a discussion from all parties. Chairperson Schulze stated that it made sense for the Members and Attorney Dowd to take a month “to digest” the information and to better look at the code to determine the permitted uses and current plans to see how they can work together.

A motion to table this application until July was made by Member Collard and seconded by Member Ross. All in favor, motion carried.

Code Enforcer Jeffery stated he would try to get the Members a contour map of the west side of River Road to better illustrate the application and other homes that are similar.

**Recommendation to the Zoning Board of Appeals for Arthur Garabedian, 3360 East Avenue, Youngstown for a Special Use Permit for operate a commercial horse stable in a LDR zoning district.**

Arthur Garabedian was present and stated he would like to operate a horse stable on his East Avenue property.

Chairperson Schulze asked if the animal rescue group was still on the property and Mr. Garabedian stated they were extended the use of the land until the end of June. Code Enforcer Jeffery stated that originally they were supposed to vacate the property by January 1st but asked for extensions due to delays in closing on another property.

A brief discussion occurred regarding current property maintenance issues and the logistics of how the horse farm would be managed. However, because the animal rescue group was still on the property, the Members agreed that this application needed to be tabled until July so that Mr. Garabedian can remedy some of the issues without the rescue being on the property.

A motion to table the application until July was made by Vice Chairperson Fox and seconded by Member Tower.

With no further discussion, roll was called.

Chairperson Schulze: Yes

Vice Chairperson Fox: Yes

Member Collard: Yes

Member Tower: Yes

Member Ross: Yes

Motion carried.

Code Enforcer Jeffery stated he would create a list of property maintenance issues for Mr. Garabedian to address.

Code Enforcer Jeffery also stated that there would be limitations on the number of horses allowed at the stable if there was nobody living on-site. Member Tower stated that the property will have live animals and is not a “storage center”.

**Code Enforcer Jeffery’s report**

Code Enforcer Jeffery’s stated he would email his report to the Members when complete.

**Attorney Dowd’s report**

Attorney Dowd had nothing further to report.

**Correspondence / New / Old / Miscellaneous Business**

None.

With no further discussion, a motion to adjourn the meeting at 8:32 p.m. was made by Member Tower and seconded by Vice Chairperson Fox All in favor, motion carried.